HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.22872 of 2007

Dated: December 27,2007

Between:

S. Thimmappa, S/o. Narasimhappa,
Aged about 38 years, R/o. Peddakadabur
Village and Mandal, Kurnool District.

… Petitioner

And

The Director General of Police, Lakdi-ka-pool,
Hyderabad, and others.

… Respondents

Order:

In this writ petition, petitioner seeks declaration by way of Mandamus to declare the action of the respondents in not opening rowdy sheets against the persons whose names were proposed by the fourth respondent to the third respondent as illegal, arbitrary and contrary to the provisions of the A.P. Police Standing Orders and a consequential direction to the respondents to take suitable disciplinary action against the third respondent in pursuance of the memo dated 21-07-2006 issued in Rc.No.142/IGP/L&O/RR/2006.

2. In the affidavit filed in support of the writ petition, it is stated that petitioner is a resident of Peddakadabur village of Kurnool District and belongs to 'Padmashali' community, which is classified as a Backward Class. It is alleged that though the fourth respondent,
Sub-Inspector of Police, Peddakadabur, has identified some persons

and sent proposals to the third respondent for opening of rowdy sheets in the month of May, 2006, however, the third respondent did not pass any orders granting permission for opening of rowdy sheets against those persons. It is also stated that for such a failure, memo dated 21-07-2006 was issued to the third respondent, but no further disciplinary action has been taken. On the aforesaid allegations, the petitioner seeks directions for opening of rowdy sheets against the persons who were proposed by the fourth respondent and also for initiating disciplinary proceedings against the third respondent.

3. Respondent No.2, Inspector General of Police (Law and Order), Rayalaseema Region, has filed counter affidavit. While generally denying the allegations of the petitioner, it is stated that the fourth respondent has sent proposals for opening of rowdy sheets against 12 persons, but, however, the persons whose names have been proposed for opening rowdy sheets do not attract the provisions of new Standing Order No.601 of A.P. Police Manual. Therefore, the third respondent did not give permission for opening of rowdy sheets on the persons proposed by the fourth respondent.

4. Heard Sri B. Purushothama Reddy, learned counsel for the petitioner, and learned Government Pleader for Home appearing for the respondents.

5. From the material on record, it appears that prior to local body elections in the year 2006, certain proposals were sent by the fourth respondent identifying 12 persons for opening of rowdy sheets against them, in his jurisdiction. On the ground that the said information was not correctly apprised to the second respondent, second respondent issued memo dated 21-07-2006 to the third respondent. The said memo is in the nature of a show cause notice calling for the explanation of the third respondent as to why suitable disciplinary action should not be initiated against him.

6. Opening of rowdy sheets, history sheets etc., is governed by Police Standing Order 742, but, however, in its place, new Standing Order 601 was brought into force. Various categories and classifications are contemplated for opening of rowdy sheets.

7. It is submitted by learned counsel for the petitioner that the persons whose names were proposed by the fourth respondent are continuously involving in various serious crimes and as such they are habitual offenders within the meaning of Standing Order No.601 and in spite of the same, third respondent is shielding them and is not acting upon the said proposals for extraneous considerations.

8. On the other hand, it is submitted by learned Government Pleader for Home that, on the proposals sent by the fourth respondent, third respondent has reviewed and assessed the proposals, as per the Standing Orders. It is stated that as the proposed names did not attract the provisions under Standing Order No.601 of the Police Manual, no orders were issued granting permission for opening of rowdy sheets.

9. The petitioner, in the affidavit filed in support of the writ petition, has not furnished any particulars with regard to involvement in the offences by the persons whose names were proposed by the fourth respondent for opening of rowdy sheets. In the absence of any particulars showing the involvement of such persons in any crimes recently, they cannot be termed as habitual offenders so as to open rowdy sheets against them. When it is stated by the competent authority who is empowered to order for opening of rowdy sheets that on assessment, the proposals sent by the fourth respondent are not in conformity with Standing Order No.601, for opening of rowdy sheets against those persons, petitioner cannot seek any directions by way of Mandamus to open rowdy sheets against such persons whose names were proposed by the fourth respondent. It is also to be noted further that such of the persons are not before this Court and are not impleaded as party respondents. Even with regard to taking up any

disciplinary action against the third respondent, it is a matter of assessment by the competent authority on the misconduct alleged. When it is stated in the counter affidavit that even on the assessment made by the second respondent on the proposals of the fourth respondent, the same did not attract the provisions of Standing Order No.601, no direction also can be issued for initiating disciplinary action against the third respondent.

10. For the aforesaid reasons, no directions as prayed for can be granted either for opening of rowdy sheets on the proposals sent by the fourth respondent or for initiating any disciplinary action against the third respondent. But, however, it is to be seen that the petitioner has not given any particulars in the affidavit filed in support of the writ petition about the involvement of the persons whose names have been proposed for opening of rowdy sheets in any crimes recently. But, in the reply affidavit, he has given some particulars about the same. In such event, it is open for the petitioner to bring the same to the notice of respondents 2 and 3 and it is also equally open for the respondents to take steps in accordance with the Police Standing Orders.

11. Subject to the above observations, the writ petition is disposed of. No order as to costs.

_____

JUSTICE R. SUBHASH REDDY.

December 27,2007
MRR